

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 11-26 are presently active in this case. The present Amendment amends Claims 25-26 without introducing any new matter or raising new issues.

The outstanding Office Action rejected Claims 25-26 under 35 U.S.C. §112, second paragraph, as indefinite. Claims 11-15, 18-22 and 24-26 were rejected under 35 U.S.C. §103(a) as unpatentable over Suonvieri (U.S. Patent No. 6,718,158, herein "Suonvieri '158") in view of Sounvieri (U.S. Patent No. 6,571,284, herein "Suonvieri '284"). Claims 16-17 and 23 were rejected under 35 U.S.C. §103(a) as unpatentable over Suonvieri '158 in view of Suonvieri '284 in view of Hazeltine et al. (Internet publication of GEG-Marconi, herein "Hazeltine").

In response to the rejection under 35 U.S.C. §112, second paragraph, Claims 25 and 26 are amended to depend upon Claims 12 and 21, respectively, since antecedent basis for "main station" and "station" can be found in Claims 12 and 21, respectively. In view of amended Claims 25-26, it is believed that all pending claims are definite and no further rejection on that basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

In response to the rejection of Claims 11-15, 18-22 and 24-26 under 35 U.S.C. §103(a), Applicant respectfully requests reconsideration of this rejection and traverses the rejection, as discussed next.

Briefly recapitulating, Applicant's invention, as recited in independent Claim 11, relates to a process for keeping and/or restoring communications within a network with planned resources, wherein the network includes stations arranged in at least one group,

wherein each group includes at least two stations linked together, and links between the at least two stations can change with time. The process includes the following steps: associating a dummy station to one of the groups, the dummy station including different resources, wherein the different resources are allocated to the stations in the groups; setting-up at least one relay station configured to keep and/or to restore communications between the stations of the groups, based on information about how a group structure evolves; and reallocating resources of the dummy station to the relay station after the step of setting-up the relay, also based on the information about how the group structure evolves. Independent Claim 20 recites similar features in the context of a system to keep and/or restore communications within a network with planned resources.

As explained in Applicant's Specification at page 2, lines 11-26 with corresponding Figure 1, Applicant's invention can improve upon background processes for keeping and restoring communications, because the continuity of communication services between mobile stations can be ensured.

Turning now to the applied references, Suonvieri '158 discloses a method of monitoring the operation of a cellular radio system, including base stations and a repeater 1 being configured to repeat signals sent by a base station BSC on traffic channels.¹ Suonvieri '158's cellular radio system further includes a network management center O&M connected to a mobile switching center MSC.² In Suonvieri '158 the repeater 1 is adapted to receive a traffic channel list sent by the base station BSC, the traffic channel list is compared 4 with the traffic channels used by the repeater 1, and an alarm is given if the traffic channels used by the repeater 1 differ from the traffic channels included in the traffic channel list.³ However, Suonvieri '158 fails to teach or suggest the claimed associating a dummy station to one of

¹ See Suonvieri '158 in the Abstract.

² See Suonvieri '158 at column 3, lines 49-66.

³ See Suonvieri '158 for example in the Abstract, at column 3, lines 21-29 and in the flowchart of Figure 1.

said at least one group, the dummy station comprising different resources. A person or ordinary skill in the art would interpret a “dummy station” in light of the claim and of the specification to mean a station that is able to materialize into a real station to which resources are allocated.⁴ The outstanding Office Action asserts that network management center O&M reads upon the claimed dummy station.⁵ Applicant respectfully disagrees. Suonvieri ‘158’s O&M center is responsible for managing the mobile switching center MSC and receive messages from the repeater 1.⁶ First, the O&M is associated to the MSC and not to any particular base station controller, and second, since the O&M cannot work as a base station itself, it cannot be considered a dummy station. This is so even if the broadest reasonable interpretation of “dummy station” is given in light of the specification.⁷

Claim 11 further recites the “reallocating resources of the dummy station to the at least one relay station after said setting-up.” As explained above, in Suonvieri ‘158, a traffic channel list is *sent by the base station* to the repeater.⁸ Accordingly, Suonvieri ‘158 also fails to teach or suggest the reallocating of resources of the dummy station to the at least one relay station after the setting-up.

Applicant further respectfully submits that the secondary reference Suonvieri ‘284, used by the outstanding Office Action as a basis for the 35 U.S.C. §103(a) rejection, does not remedy the deficiencies of Suonvieri ‘158, as next discussed.

Suonvieri ‘284 describes the integrating of a repeater management into the management system of a wireless telecommunication network, wherein each repeater R1, R2, R3 is sent an update message B1, B2, B3 containing parameters for reconfiguring the

⁴ See Applicant’s specification, e.g. at page 6, lines 33-35 (“if communications have to be restored during operation, the dummy station will be materialized into a real station to which resources will be allocated.”)

⁵ See the outstanding Office Action at page 3, lines 14-16.

⁶ See Suonvieri ‘158 at column 4, lines 22-33.

⁷ See MPEP 904.01 (“During patent examination, the claims are given the broadest reasonable interpretation consistent with the specification.”)

⁸ See Suonvieri ‘158 at column 1, lines 53-58.

repeater.⁹ The network management system NMS sends the update messages to the individual repeaters.¹⁰ Suonvieri '284 is silent on the use of dummy stations, and also does not teach or suggest the reallocating of resources of the dummy station to the at least one relay station after said setting-up, as recited in Applicant's independent claims.

Therefore, even if the combination of Suonvieri '158 and Suonvieri '284 is assumed to be proper, the combination fails to teach every element of the claimed invention. Specifically, the combination fails to teach the claimed associating a dummy station to one of said at least one group, the dummy station comprising different resources, and also fail to teach or suggest the reallocating of resources of the dummy station to the at least one relay station after said setting-up. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.¹¹

In response to the rejection of Claims 16-17 and 23 under 35 U.S.C. §103(a), since the independent claims are believed to be allowable, dependent Claims 16-17 and 23 are also believed to be allowable. Further, the reference Hazeltine does not remedy the deficiencies of Suonvieri '158 and Suonvieri '284. Hazeltine disclose a communication platform for high-reliable radio communications, but does not disclose the above noted features regarding the associating of a dummy station to one of the at least one group, and also does not teach or suggest the reallocating of resources of the dummy station to the at least one relay station after the setting-up. Therefore, even if the combination of Hazeltine with Suonvieri '158 and/or Suonvieri '284 is assumed to be proper, the combination fails to teach or suggest every element of the claimed invention.

⁹ See Suonvieri '284 in the Abstract.

¹⁰ See Suonvieri '284 at column 6, lines 20-43.

¹¹ See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

Furthermore, the applied references fail to teach or suggest features of Applicant's dependent Claim 15. Suonvieri '158's network management center O&M can send control signals to the repeaters 1, and therefore the O&M controls the repeaters 1 and the transceiver units MS' in a centralized way. Accordingly, Suonvieri '158 fails to teach or suggest the allocation of the dummy station's resources by a local activation, as received in dependent Claim 15. The other references Suonvieri '284 and Hazeltine also fail to teach or suggest such a feature.

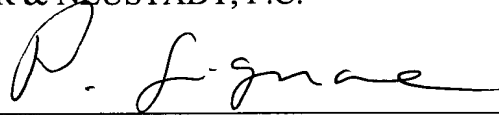
The present amendment is submitted in accordance with the provisions of 37 C.F.R. §1.116, which after Final Rejection permits entry of amendments placing the claims in better form for consideration on appeal. As the present amendment is believed to overcome outstanding rejections under 35 U.S.C. §112, second paragraph and 35 U.S.C. §103(a), the present amendment places the application in better form for consideration on appeal. In addition, the present amendment is not believed to raise new issues because the changes to Claims 25-26 merely change the claim dependency. It is therefore respectfully requested that 37 C.F.R. §1.116 be liberally construed, and that the present amendment be entered.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 11-26 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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